

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7428

BILL NUMBER: SB 556

NOTE PREPARED: Jan 18, 2015

BILL AMENDED:

SUBJECT: Fire Prevention and Building Safety.

FIRST AUTHOR: Sen. Yoder

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
X FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill changes the definition of "building law" to include a law governing sanitary conditions and sanitary facilities in elementary and secondary school buildings and on the school grounds. It allows the Fire Prevention and Building Safety Commission to adopt temporary rules in a manner provided for the adoption of emergency rules to administer the regulation of sanitary conditions and sanitary facilities in elementary and secondary school buildings and on the school grounds.

The bill allows the Division of Fire and Building Safety to designate a qualified third-party inspector or inspection agency to act as the Division's agent for inspections of regulated boilers and pressure vessels.

The bill amends the arson statute to include property damage by means of fire, explosive, or destructive device that occurs while committing or attempting to commit certain crimes.

The bill also repeals statutes that do the following:

- (1) Allow the State Department of Health to regulate construction and remodeling of school buildings and establishes requirements for school buildings and grounds.
- (2) Make it a Class B misdemeanor to transfer materials that do not comply with the requirements established in subdivision (1).
- (3) Make it a Class B misdemeanor to recklessly violate the requirements established in subdivision (1).

Effective Date: July 1, 2015.

Explanation of State Expenditures: *Indiana Department of Homeland Security (DHS):* DHS will be responsible for the regulation of school buildings and grounds. Additionally, the bill allows DHS to contract

with qualified inspectors of regulated boilers and pressure vessels. The bill's requirements are within the agency's routine administrative functions and should be able to be implemented with no additional appropriations, assuming near customary agency staffing and resource levels.

Indiana State Department of Health (ISDH): ISDH will no longer regulate school buildings and grounds. This should have a negligible positive fiscal impact on ISDH, as ISDH has been working closely with DHS on the regulation of these facilities in recent years.

Department of Correction: The bill expands the definition of arson to include property damage by means of fire, explosive, or destructive device that occurs while committing or attempting to commit burglary, theft, dealing in or manufacturing cocaine or a narcotic drug, or dealing in or manufacturing methamphetamine. A violation of this provision is a Level 4 felony. If bodily injury to a person other than the defendant takes place, then the violation is a Level 3 felony. If serious bodily injury to a person other than the defendant takes place, then the violation is a Level 2 felony.

A Level 4 felony is punishable by a prison term ranging from 2 to 12 years, depending upon mitigating and aggravating circumstances. The advisory sentence is 6 years.

A Level 3 felony is punishable by a prison term ranging from 3 to 16 years, depending upon mitigating and aggravating circumstances. The advisory sentence is 9 years.

A Level 2 felony is punishable by a prison term ranging from 10 to 30 years, depending upon mitigating and aggravating circumstances. The advisory sentence is 17.5 years.

Level 4, Level 3, and Level 2 offenders can receive good time credit of 25%. Consequently, these offenders can be released from prison after serving three-quarters of the sentence.

The average expenditure to house an adult offender was \$19,497 in FY 2014. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost for medical care, food, and clothing is approximately \$3,210 annually, or \$8.77 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$89,956 in FY 2014.

Explanation of State Revenues: *Changes to Arson Statute:* If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Level 2, Level 3, or Level 4 felony is \$10,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit or superior, 70% of the \$120 criminal costs fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. In addition, some or all of the automated record keeping fee (\$5), judicial salaries fee (\$20), public defense administration fee (\$5), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$2) are deposited into the state General Fund.

Repeal of Class B Misdemeanor for School Building Violations: Revenue to the Common School Fund may be reduced. However, any changes are likely to be small. Currently, the maximum judgment for a Class B misdemeanor is \$1,000. Revenue from court fees may also be reduced. However, the amount is likely to be small.

Explanation of Local Expenditures: *Changes to Arson Statute:* If more defendants are detained in county jails prior to their court hearings, local expenditures for jail operations may increase. The average cost per day is approximately \$44.

Explanation of Local Revenues: *Changes to Arson Statute:* If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 criminal costs fee that is assessed in a court of record.

Persons found guilty of a felony or misdemeanor are also required to pay the document storage fee (\$2), which is deposited into the clerk record perpetuation fund, and the jury fee (\$2) and the law enforcement continuing education fee (\$4), which are both deposited in the county user fee fund.

Repeal of Class B Misdemeanor for School Building Violations: Fewer court actions may occur, which may reduce local court revenue. However, the amount is likely to be small.

State Agencies Affected: Indiana Department of Homeland Security; Indiana State Department of Health; Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

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